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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ATTORNEY DOCKET NO. 045054-0157

Applicant: Koichi TAMURA

Title: CIRCUIT, METHOD, AND PROGRAM IN A CDMA
COMMUNICATION SYSTEM FOR QUICKLY TRACKING
A STABLE PATH

Appl. No.: 10/765,124

Filing Date: 01/28/2004

Examiner: Christopher M. Brandt

Art Unit: 2617

Confirmation Number:
2246

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

CONCISE EXPLANATION OF RELEVANCE

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of April 8, 2008, follows:

In the written opinion, the applicant states that the invention of the present application performs weighing on momentary level fluctuations due to noise and the like, while the invention of Cited Literature 1 (Japanese Unexamined Patent Application Publication 2000-252955) simply performs weighing according to the magnitude of level fluctuations, so the two differ in this point, and thus the invention of the present application could not have been easily invented by a person skilled in the art based on Cited Literature 1 and Cited Literature 2 (Japanese Unexamined Patent Application Publication 2000-115022).

However, monitoring momentary level fluctuations due to noise and the like in order to receive a stable path is well known art, as indicated for instance in paragraphs (0024) through (0027) of Japanese Unexamined Patent Application Publication 2002-232324, and in the path search circuit and path search method described in Cited Literature 1, monitoring momentary level fluctuations and performing weighing on the power level of predetermined samples according to the results of the monitoring is a matter which could have been easily conceived of by a person skilled in the art.

Therefore, the applicant's aforementioned statement cannot be accepted.

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

An English translation of the foreign-language document is not readily available; however, an English language abstract is attached. The absence of such translation does not relieve the PTO from its duty to consider the submitted document (37 CFR §1.98 and MPEP §609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,



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July 8, 2008
Date

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